

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ANTONIO J. BERRY, #03256-043

PETITIONER

VERSUS

CIVIL ACTION NO. 5:09-cv-172-DCB-MTP

UNITED STATES OF AMERICA,
FEDERAL BUREAU OF PRISONS,
and BRUCE PEARSON, Warden FCI-Yazoo

RESPONDENTS

FINAL JUDGMENT

This cause is before the court, sua sponte, for consideration of dismissal. Pursuant to the memorandum opinion issued this day, it is hereby, ORDERED AND ADJUDGED that this cause filed pursuant to 28 U.S.C. § 2241 be dismissed without prejudice as frivolous and to the extent that the petition can be construed as a § 2255 motion it shall be dismissed with prejudice for this court's lack of jurisdiction.

SO ORDERED AND ADJUDGED, this the 16th day of November, 2009.

s/David Bramlette

UNITED STATES DISTRICT JUDGE